

**ASSEMBLY BILL**

**No. 806**

**Introduced by Assembly Member Wiggins  
(Coauthor: Assembly Member Matthews)**

February 20, 2003

---

---

An act to amend Section 224 of the Food and Agricultural Code, relating to agriculture.

LEGISLATIVE COUNSEL'S DIGEST

AB 806, as introduced, Wiggins. Agriculture: Department of Food and Agriculture Fund.

Existing law directs how funds transferred from the Motor Vehicle Fuel Account to the Department of Food and Agriculture Fund shall be expended. Existing law appropriates \$1,000,000 each fiscal year for emergency detection, eradication, or research of agricultural plant or animal pests or diseases, during the fiscal year. Existing law provides that the remainder of the funds after various expenditures for administrative expenses and the above appropriation is appropriated to the counties.

This bill would authorize up to \$200,000 to be held in reserve from the \$1,000,000 appropriation until the end of the fiscal year to be used for small emergency projects that would not otherwise be funded until the following year. The bill would provide that this reserve would not prevent the secretary from submitting a deficiency request to the Department of Finance as may be required for major emergency projects. In the event that a deficiency request is granted in an amount greater than the reserve at the end of the fiscal year, the remaining reserve would revert to the General Fund.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 224 of the Food and Agricultural Code,  
2 as added by Section 2 of Chapter 145 of the Statutes of 2001, is  
3 amended to read:

4 224. Money transferred by the Controller to the Department  
5 of Food and Agriculture Fund from the Motor Vehicle Fuel  
6 Account pursuant to Section 8352.5 of the Revenue and Taxation  
7 Code shall be expended by the Secretary of Food and Agriculture  
8 as follows:

9 (a) Five hundred thousand dollars (\$500,000) of the amount  
10 transferred each fiscal year is hereby appropriated for  
11 reimbursement for charges for state administrative costs, and for  
12 departmental and divisional overhead expense apportioned to the  
13 Department of Food and Agriculture Fund.

14 (b) One million dollars (\$1,000,000) each fiscal year is hereby  
15 appropriated to be used only for emergency detection, eradication,  
16 or research of agricultural plant or animal pests or diseases, during  
17 the fiscal year. The Secretary of Food and Agriculture may expend  
18 the funds with the approval of the Director of Finance. *Up to two*  
19 *hundred thousand dollars (\$200,000) may be held in reserve until*  
20 *the end of the fiscal year to be used for small emergency projects*  
21 *that would not otherwise be funded until the following year. This*  
22 *reserve shall not prevent the secretary from submitting a deficiency*  
23 *request to the Department of Finance as may be required for major*  
24 *emergency projects. In the event that a deficiency request is*  
25 *granted in an amount greater than the reserve at the end of the*  
26 *fiscal year, the remaining reserve will revert to the General Fund.*

27 At the end of each fiscal year, any unencumbered balance of those  
28 funds shall be added to the amount available for payment to  
29 counties during the next fiscal year, as provided in subdivision (c).

30 (c) The total amount transferred during each fiscal year less the  
31 amounts provided in subdivisions (a) and (b), is hereby  
32 appropriated to be paid to the counties as partial reimbursement for  
33 county expenses for carrying out agricultural programs authorized  
34 by this code that are supervised by the department. The payment  
35 shall be apportioned to the counties by the secretary in relation to



1 each county's expenditures to the total amount expended by all  
2 counties for the preceding fiscal year for such agricultural  
3 programs, as determined by the secretary. The amount to be  
4 transferred to any county for a fiscal year may be increased or  
5 decreased by the secretary to provide that, insofar as those  
6 transferred unclaimed refundable gas tax funds for apportionment  
7 to the counties are available, no county shall receive smaller  
8 combined apportionments of gas taxes and unclaimed refundable  
9 gas taxes than that county would have received had the gas taxes  
10 been apportioned without the transfer required by Section 8352.5,  
11 as determined by the secretary, except that the amount of  
12 unclaimed refundable gas tax funds to be transferred to any county  
13 for a fiscal year may be increased or decreased by the secretary to  
14 compensate for incorrect previous transfers to that county.

15 (d) This section shall become operative on July 1, 2003.

